



**Senate Committees on Education and Criminal Justice
Joint Hearing on Senate Interim Charge 7**

October 30, 2012

Texans Care for Children is a statewide nonpartisan, nonprofit advocacy organization dedicated exclusively to the children of Texas. We look to our broad base of community-based experts—our partners and over 200 members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We also co-convene various stakeholder groups that bring together a wide range of organizations, families, and advocates around our areas of focus, which are: family economic security; infant, child and maternal health; early opportunities; children’s mental health; child welfare; and juvenile justice.

As you review school discipline practices, Texans Care asks you to consider strategies that have been shown to keep students with mental health concerns and those who have experienced trauma in school and out of the juvenile justice system.

Mental health concerns in students are not uncommon, and these concerns have a direct impact on school success.

- About 1 in 10 children have mental health concerns that severely interfere with their ability to function at home, in school, or in the community.ⁱ
- The Department of Family and Protective Services confirmed nearly 100,000 cases of abuse and/or neglect in 2011.ⁱⁱ Students who have been abused are at greater risk for mental health and behavioral concerns.ⁱⁱⁱ
- Chronic stress or on-going trauma can physically alter the neural wiring and chemical response in a child’s brain, causing children who have experienced trauma to be more impulsive and be more likely to engage in risky behavior.^{iv}
- When students’ mental health needs are properly addressed, the likelihood of school success increases.^v High quality, effective school mental health promotion has been linked to increases in academic achievement and competence; decreases in incidence of problem behaviors; improvements in the relationships that surround each child; and substantive, positive changes in school and classroom climates.^{vi}

A disproportionate number of students with mental health concerns are getting removed from their classrooms.

- Between 1999 and 2009, 9 out of 10 students classified as having an emotional disturbance in a Texas public school were suspended or expelled from school for discretionary reasons.^{vii} School disciplinary referrals are the greatest predictor of future juvenile justice involvement in Texas.^{viii}
- In 2011, 44% of youth offenders sent to the Texas Juvenile Justice Department had a need for treatment by a licensed or specially trained provider for a mental health related issue,^{ix} more than double what would be expected in the general population.
- Students with serious mental health concerns are twice as likely as peers without serious mental health concerns to drop out of school.^x
- As schools feel the pressures of high stakes testing and scarce resources, it's easier for a teacher or school administrator to call a school resource officer to handle a classroom disruption instead of implementing more appropriate and effective strategies to promote student learning. Yet, school resource officers often have insufficient training on responding to students with mental health concerns, including de-escalation techniques and trauma informed practice.^{xi}
- According to a survey done by the Texas Mental Health Transformation Project, many teachers and school health services staff report lacking training or support they need to effectively address their students' behavioral health.^{xii}

Effective strategies exist for schools to address behavior challenges of students with mental health concerns. Zero tolerance discipline policies are not among them.

- Schools need tools and resources to help them to keep students with mental health concerns in school and learning, instead of pushing them out of school and into the juvenile and criminal justice systems.
- Increasing the capacity of school personnel to appropriately recognize, respond to, and make community based referrals for students with suspected mental health concerns will enable more students to overcome or manage their symptoms, increase their chance of school success, and avoid entering the juvenile or criminal justice system.
- Implementing school-wide positive behavioral interventions and supports to fidelity is recommended to promote school success in students with mental health concerns.^{xiii}

Recommendations

1. Make sure school police and resource officers have the training, skills and tools they need to promote all students' success, as well as to appropriately recognize and respond to students with mental health concerns in order to keep them in school and learning and out of the juvenile justice system.
2. Support state infrastructure and programs that assist school personnel in addressing students' positive development and mental health in order to promote academic success. These approaches include:
 - a. Coordinated School Health
 - b. Educational Service Centers
 - c. School Counseling
 - d. Communities in Schools
3. Promote and assist schools in the use of school-wide positive behavioral interventions and supports (PBIS) to fidelity to link students with mental health concerns with effective interventions and reduce disciplinary issues.

Thank you for your time and commitment. If you have any questions, please feel free to contact me at 512.473.2274.

Respectfully,

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ⁱ US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, National Institute of Mental Health (1999) *Mental Health: A Report from the Surgeon General*. <http://www.surgeongeneral.gov/library/mentalhealth/home.html>

ⁱⁱ Texas Department of Family and Protective Services. *2011 Data Book*.
http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2011/DataBook11.pdf

ⁱⁱⁱ Kim, J. & Cicchetti, D. (2004). A longitudinal study of child maltreatment, mother-child relationship quality and maladjustment: The role of self-esteem and social competence. *Journal of Abnormal Child Psychology*, 32(4), pp. 341-354.;

^{iv} Child Welfare Information Gateway. (2009). *Understanding the Effects of Maltreatment on Brain Development* http://www.childwelfare.gov/pubs/issue_briefs/brain_development/brain_development.pdf

^v National Assembly on School-Based Health Care. (2010) *Using Coordinated School Health to Promote Mental Health for All Students*. <http://www.nasbhc.org/atf/cf/%7Bcd9949f2-2761-42fb-bc7a-cee165c701d9%7D/white%20paper%20csh%20and%20mh%20final.pdf>

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- ^{vi} Elias, M. J., Gara, M. A., Schuyler, T. F., Branden-Muller, L. R., and Sayette, M. A. (1991). "The promotion of social competence: Longitudinal study of a preventive school-based program." *American Journal of Orthopsychiatry*, 61(3), 409-417.; Greenberg, M. T., Domitrovich, C. E., Graczyk, P. A., & Zins, J. E. (2005). "The study of implementation in school-based preventive interventions: Theory, research, and practice." *Promotion of Mental Health and Prevention of Mental and Behavioral Disorders*. <http://casel.org/publications/the-study-of-implementation-in-school-based-preventive-interventions-theory-research-and-practice/>; President's New Freedom Commission (2003). *Achieving the Promise: Transforming Mental Health Care in America. Final Report*. <http://store.samhsa.gov/shin/content//SMA03-3831/SMA03-3831.pdf>
- ^{vii} CSG Justice Center. (2011) *Breaking School Rules Report*. <http://justicecenter.csg.org/resources/juveniles>
Accessed May 1, 2012.
- ^{viii} Public Policy Research Institute, Texas A&M (2005) *Study of Minority Over-Representation in the Texas Juvenile Justice System*. <http://dmcfinalreport.tamu.edu/DMRFinalReport.pdf>
- ^{ix} Texas Juvenile Justice Department. *Who Are TJJD Offenders?*
http://www.tjjd.texas.gov/research/youth_stats.aspx Accessed May 1, 2012.
- ^x Wagner, M. (1995). "Outcomes for youths with Serious Emotional Disturbance in Secondary School and Early Adulthood." *Critical Issues for Children and Youths*. 5(2).
- ^{xi} Justice Policy Institute. (2011). *Education Under Arrest: The Case Against Police in Schools*.
<http://www.justicepolicy.org/research/3177>
- ^{xii} Texas Mental Health Transformation Project. (2009) *Texas School-Based Behavioral Health Survey: Results and Recommendations*. http://www.mhtransformation.org/documents/pdf/sbbh/SBBH_Report_FINAL_10.2.09.pdf
- ^{xiii} Bazelon Center for Mental Health Law. *Way to Go: School Success for Children with Mental Health Needs*
<http://www.bazelon.org/LinkClick.aspx?fileticket=S2VPkMzMndM%3d&tabid=104>